

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

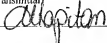
Applicants : Mitsuhiro HIRABAYASHI, et al.
Serial No. : 10/760,092
Filed : January 19, 2004
For : RECORDING APPARATUS, REPRODUCTION
APPARATUS, AND FILE MANAGEMENT METHOD
Art Unit : 2168
Confirmation No. : 2150
Examiner : Hasanul Mobin

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Maria Lapitan
(Name of person signing transmittal)

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May 31, 2011
Date of Signature

**NOTICE OF APPEAL AND
PRE-APPEAL BRIEF REQUEST FOR REVIEW**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Final Office Action dated March 2, 2011, having a three-month shortened statutory period for review set to expire on June 2, 2011, and the Advisory Action dated May 4, 2011, Applicants submit a Notice of Appeal and a Pre-Appeal Brief Request for Review and an electronic payment in the amount of \$540. As payment of the Notice of Appeal fee. Please consider the following remarks.

Claims 1-9, 11-35, 37-41, and 43-50 are currently pending. Claims 1-9, 11-35, 37-41, and 43-50 were rejected under 35 U.S.C. §103(a) over U.S. Patent No. 6,144,969 to Inokuchi et al. (hereinafter, merely “Inokuchi”) in view of U.S. Patent No. 5,440,401 to Parulski et al. (hereinafter, merely “Parulski”) and further in view of U.S. Patent No. 6,282,549 to Hoffert et al. (hereinafter, merely “Hoffert”).

Firstly, independently Claim 1 recites, *inter alia*:

“wherein each of the respective files corresponding to a predetermined attribute selected from the plurality of attributes, and each of the plurality of respective files **stores starting bytes and data lengths of entries corresponding to the predetermined attribute.**” (emphasis added)

The Office Action (see page 5 of the Office Action and page 2 of the Advisory Action) concedes that Inokuchi and Parulski fail to teach the above-identified features of claim 1 and relies on col. 6, lines 58-67, col. 7, line 55-col. 8, line 4, and col. 24, lines 5-13 of Hoffert. Applicants respectfully disagree.

The above-cited portions of Hoffert describe storing size of a file as an attribute, which corresponds to “data length” of claim 1. However, nothing in Hoffert discloses or renders predictable “**stores starting bytes**” as recited in claim 1. Applicants submit that nothing in Hoffert discloses or renders predictable the above-identified features of claim 1.

Secondly, independent Claim 1 recites, *inter alia*:

“...classification means for classifying the block of extracted information included in each entry according to the plurality of attributes,

wherein the plurality attributes include a property attribute, a text attribute, a thumbnail attribute, and an audio attribute.” (emphasis added)

The Office Action (see page 4 of the Office Action) concedes that Inokuchi fails to disclose or suggest the above-identified features of claim 1 and relies on Column 5, lines 50-56 of Parulski to reject **“classification means for classifying the block of extracted information included in each entry according to the plurality of attributes,”** and **“the plurality attributes include a property attribute, a text attribute, a thumbnail attribute, and an audio attribute,”** as recited in claim 1. Applicants respectfully disagree.

Parulski describes methods to generate index image files for high resolution images so that montages of the index images may be displayed promptly. The index image files of Parulski include low resolution images obtained from the high resolution images. Therefore, it is the index image files, not the high resolution images, represent extracted information of the high resolution images. Applicants submit that the Office Action and the Advisory Action make incorrect interpretations of Parulski.

Specifically, the Office Action (see page 29 of the Office Action) and the Advisory Action (see page 2) state that “in order to display in the full screen, the block of retrieved images are being classified as first index [image], second index [image] etc.” The Office Action actually treats each image as an attribute in order to reject the above-identified features of claim 1. Applicants respectfully point out that the Office Action incorrectly interprets each index image of Parulski as an attribute of that index image. Applicants submit that it is illogical for a person of ordinary skill in the art to treat an image as an attribute of that image. Applicants submit that the Office Action’s interpretation is improper.

Specifically, the Advisory Action (see page 2) states that “that is extracting blocks of information into the memory according to plurality montage image attributes such as high resolution or low resolution (*i.e.*, the resolution of the images are the attributes of the

images.)” Applicants submit that only index images qualify for extracted information of the high resolution image. The high resolution image cannot be extracted information of itself. Applicants submit that all of the index images are low resolutions. Therefore, the Advisory Action makes an improper interpretation of Parulski.

Therefore, Applicants submit that independent claim 1 is patentable for at least the reasons discussed above. For reasons similar to those described above with regard to independent claim 1, independent claims 5, 7, 9, 11, 32-35, 36-41, 43, and 47 are also patentable.

Furthermore, dependent Claim 50 recites, *inter alia*:

wherein the index file has an organization substantially the same as that of a QuickTime Movie file. (emphasis added)

The Office Action (see page 21) concedes that Inokuchi and Parulski fail to disclose or render predictable the above-identified features of claim 50 and relies on paragraph Figs. 2a-2c of Hoffert to reject “**wherein the index file has an organization substantially the same as that of a QuickTime Movie file,**” as recited in claim 50. The Advisory Action (see page 2) further recites column 24, lines 28-67 and column 28, lines 5-9 of Hoffert to reject the above-identified features of claim 28. Applicants respectfully disagree.

Hoffert describes three types of files: a media file, a media description file, and an index file. Hoffert obtains information from the media description file that includes media information of the media file and uses the obtained information to generate the index file.

Hoffert in Fig. 2a-2c describe how to index searched media files. Hoffert indeed describes contents to be included in the media rich index. However, **Hoffert is silent on the organization of the media rich index.**

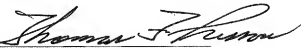
The newly cited portion of Hoffert in the Advisory Action does not disclose or render predictable the above-identified features of claim 50. Column 24, lines 28-67 of Hoffert describes the contents of the media description file. The format of the media description file has been merely described to have “a hierarchy of information.” Column 28, lines 5-9 of Hoffert and the software to playback a multimedia file.

Therefore, Hoffert fails to disclose or render predictable that **“the index file has an organization substantially the same as that of a QuickTime Movie file,”** as recited in claim 50. Therefore, Applicants submit that claim 50 is patentable over Inokuchi, Parulski, and Hoffert.

The other claims are dependent from one of the independent claims, discussed above, and are therefore believed patentable for at least the same reasons.

Respectfully submitted

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